

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RYAN ARMOND FREEMAN,)	
)	
Petitioner,)	Case No. 1:06-cv-542
)	
v.)	Honorable Robert Holmes Bell
)	
STATE OF MICHIGAN, et al.,)	
)	
Respondents.)	<u>ORDER OF DISMISSAL</u>
)	

On August 9, 2006, Magistrate Judge Joseph G. Scoville issued a report and recommendation, recommending that this habeas corpus action be dismissed for failure to exhaust state remedies. The ten-day period for objections to the report and recommendation has expired without response from petitioner. The court has reviewed the record and the report and recommendation, and concludes that petitioner has failed to present any of the claims in his habeas corpus petition to the Michigan appellate courts, and that he has an effective state remedy available to him. This matter must therefore be dismissed for lack of exhaustion. Accordingly:

IT IS ORDERED that the report and recommendation of the magistrate judge (docket # 3) is hereby ADOPTED as the opinion of the court.

IT IS FURTHER ORDERED that this action be and hereby is DISMISSED without prejudice for failure to exhaust available state remedies.

Date: August 25, 2006

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE